

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Application No. 10/802,220

Confirmation No. 3562

Applicant: Sunami et al.

Filed: March 17, 2004

TC/AU: 1614

Examiner: Pagonaki, A.

Docket No.: 227833

Customer No.: 23460

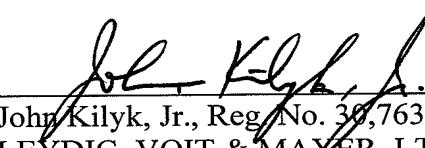
**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the "Notification of Non-Compliant Appeal Brief" dated July 21, 2009, Applicants submit the corrected section "Status of Claims" for Appellants' Appeal Brief dated June 15, 2009, as part of a corrected page 1 of Appellants' Appeal Brief.

Respectfully submitted,

  
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Date: July 29, 2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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**APPELLANTS' APPEAL BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In support of the appeal from the final rejection dated October 15, 2008, Appellants now submit their Brief.

*Real Party In Interest*

The patent application that is the subject of this appeal is assigned to Japan Tobacco Inc.

*Related Appeals and Interferences*

There are no appeals or interferences that are related to this appeal.

*Status of Claims*

Claims 1-8 and 15-23 are currently pending and are the subject of this appeal. In particular, claims 1-5, 15, and 18-23 were filed with the patent application but were amended during prosecution. Claims 6-8, 16, and 17 were filed with the patent application and remain in originally filed form (i.e., claims 6-8, 16, and 17 were not amended during prosecution). Claims 9-14 were filed with the patent application but were canceled during prosecution.

*Status of Amendments*

No amendments were filed by Appellants subsequent to the final rejection dated October 15, 2008. All prior amendments have been entered by the Office.